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MEMO ENDORSED

September 7, 2007

BY HAND

Honorable P. Kevin Castel
United States District Judge
United States Courthouse
500 Pearl Street, Room 2260
New York, NY 10007



Re: Alper v. Random House and Dean Hamer
07 Civ 2934 (PKC)

Dear Judge Castel:

We are counsel to Defendants Random House, Inc. and Dean Hamer in this copyright matter. At the conference before this Court on September 5, 2007, your Honor requested that we submit a letter, to be "So Ordered," setting forth the results of the conference.

At the conference, the Court directed counsel to Plaintiff Alper to review the claims in the First Amended Complaint with the purpose of narrowing them and to file a Second Amended Complaint on or before September 17, 2007. The Court also denied Plaintiff's requests for additional discovery prior to an initial dispositive motion and granted leave for the Defendants to file a motion for summary judgment ("the Motion"), as proposed in their letters to the Court dated June 4, 2007 and August 29, 2007, on the grounds that there is no substantial similarity of protected expression between plaintiff's book *The God Part of the Brain* and *The God Gene*, written by Dean Hamer and published by Random House, Inc.

The Court set the following schedule for the Motion:

Honorable P. Kevin Castel
September 7, 2007
Page 2



1. Defendants' papers in support of the Motion to be filed by October 15, 2007. Memorandum of Law not to exceed 40 pages.
2. Plaintiff's answering papers to the Motion to be filed by November 15, 2007. Memorandum of Law not to exceed 40 pages.
3. Defendants' reply to be filed by December 7, 2007. Memorandum of Law not to exceed 20 pages.

The Court also acknowledged that in the event the Motion addressing "substantial similarity" between the respective Works is denied, Defendants will have the opportunity following full discovery to file a further motion for summary judgment on any outstanding issues. These could potentially include, for example, the issues of access, independent creation, and the other defenses set forth in Defendants' Answer.

Sincerely,

DAVIS WRIGHT TREMAINE LLP

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Linda Steinman, Esq.

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The foregoing accurately states the outcome of the September 5 conference and the rulings thereon.
SO ORDERED:

P. Kevin Castel
USOJ
9-7-07